



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	Board of Professional Land Surveyors
MEETING DATE AND TIME:	December 17, 2009 at 8:30 a.m.
PLACE:	861 Silver Lake Blvd., Conference Room A, Second floor, Dover, Delaware
MINUTES APPROVED:	June 17, 2010

MEMBERS PRESENT

Michael T. Szymanski, Vice-Chair, Professional Member
Laurence R. McBride, Professional Member
Mary Chvostal, Public Member
Joseph McDonough, Public Member
Frank Szczuka, Secretary, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Frederick Schranck, Deputy Attorney General
Debbie Heinsch, Administrative Specialist II
Renee' Holt, Administrative Specialist II

ABSENT/RECUSED MEMBERS

James Bielicki, Professional Member
Stephen Sellers, Chair, Professional Member

OTHERS PRESENT

Lorena J. Hartnett, Wilcox & Fetzer
Donald Elrod
James Bielicki
John Johnson

CALL TO ORDER

Mr. Szymanski called the meeting to order at 8:34 a.m.

Mr. Szczuka made a motion to table approval of the October meeting minutes until more members were present. The Board determined to table the review of the minutes until after the hearings were completed.

EXECUTIVE SESSION

There was no business for Executive Session.

Mr. McBride made a motion, seconded by Mr. McDonough to amend the agenda adding Decision and Orders under Section 6.6 of the agenda. The motion was unanimously carried.

Mr. Szymanski announced that the Board would move forward with the Rule to Show Cause hearings.

RULE TO SHOW CAUSE HEARINGS

HEARING – Roy Zeigler

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 8:45 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Roy Zeigler

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 8:47 a.m.

The court reporter took verbatim testimony. Mr. Schranck called Mr. Ziegler. Mr. Szymanski stated that the audio recorder was on and requested everyone speak loudly and clearly so voices could be heard. Mr. Schranck stated the purpose of the hearing was a result of an audit notice sent to Mr. Ziegler and Mr. Ziegler's response. Mr. Schranck confirmed Mr. Ziegler received a separate notice advising of the hearing and Mr. Ziegler responded that he would attend the hearing. Mr. Schranck confirmed Mr. Ziegler knew of his right to legal counsel and that he was unrepresented at the hearing. Mr. Schranck stated that the initial documentation provided by Mr. Ziegler for the audit was deficient. Mr. Ziegler testified some of the courses were not approved and he did not follow the Board's approved course list. Mr. Zeigler testified he assumed that the courses would be approved and they were not. Mr. Zeigler stated he did not know why the courses were not approved. Mr. Zeigler testified that the Methods course to prepare for the Pennsylvania exam was not approved, and that he was

surprised at that decision. Mr. Zeigler testified there are other courses approved that are not directly related to surveying and the preparation for the Delaware exam is approved. Mr. Schranck verified the records reflect that Mr. Ziegler obtained additional PDHs in July 2009. Mr. Szymanski questioned Mr. Ziegler regarding his awareness that the courses were not approved. Mr. Ziegler responded that he knew in late June 2009 and didn't have time to take another course. Mr. Szymanski questioned if he was aware when he renewed that the courses were not approved when he attested online that they were. Mr. Ziegler responded that no, he was not. Mr. Schranck questioned how many hours Mr. Ziegler felt he had for the 2007-2009 renewal period. Mr. Ziegler responded he thought he had 47 hours. Mr. Schranck responded that Mr. Ziegler had since learned that all of the 47 PDHs were not approved. Mr. Ziegler said the letter received said specific courses were not approved, but did not indicate how many PDHs were accepted. Mr. McBride questioned Mr. Ziegler regarding an in-house course and questioned what it entailed. Mr. Ziegler responded with the course content. Mr. Ziegler petitioned the Board to allow at least 1/3 the requested credits for the project management course he was taking and requesting 25 hours for. Mr. Ziegler was hopeful that the Board would at least approve 8 credits for the course. The program for the course was entered as Applicant Exhibit #1 and Mr. McBride reviewed the program. Mr. Szczuka questioned if Mr. Ziegler was aware of all of the rules attached to having a professional land surveyor license. Mr. Ziegler responded that he was aware. Mr. Szczuka stated that in June Mr. Ziegler found out that the hours were not allowed, and questioned if Mr. Ziegler ever called the Board. Mr. Schranck responded that on June 29, 2009 an email message to Mr. Sellers indicated that Mr. Ziegler was aware the courses were not approved and asked for reconsideration and/or an extension of time. Mr. Ziegler remembered that email and Mr. Schranck said that further email correspondence from Ms. Heinsch indicated that he should appear before the board with his questions. Ms. Heinsch confirmed that Mr. Ziegler renewed online on June 16, 2009.

The Board went off the record for deliberations at 9:11 a.m. and went back on the record at 9:16 a.m. Then the Board went off the record at 9:17 a.m. for further deliberations.

The Board went back on the record at 9:22 a.m. The Board questioned if the instructors for the in-house course were hired by Tetra Tech. Mr. Ziegler responded that there were some of both, with various instructors. The Board went back off the record at 9:23 a.m. All motions to go on and off the record were made by Mr. McBride and seconded by Ms. Chvostal. All motions were unanimously approved.

FINAL ORDER: Mr. McDonough made a motion, seconded by Mr. McBride to table the outcome and have Mr. Ziegler to come back before the Board with an in depth presentation of the course that qualifies to satisfy the PDH requirement for license renewal at the next Board meeting in January. The motion was unanimously approved.

TIME ADJOURNED: 9:38 a.m.

The Board questioned when Mr. Bielicki could return to the Board. Mr. Schranck responded that upon the Board signing the Decision and Order Mr. Bielicki could return to his position on the Board. Mr. Schranck advised the Board that Mr. Bielicki could not participate in future Rule to Show Cause hearings related to the 2007-2009 renewal period.

HEARING – Kenneth O'Connell

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 9:00 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Kenneth O'Connell

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 9:42 a.m.

The court reporter took verbatim testimony. Mr. O'Connell was sworn in. Mr. Schranck made a disclosure that Mr. O'Connell and he are working on a matter related to the Department of Transportation. Mr. Schranck explained the potential for a possible conflict. Mr. Schranck went over the audit notice mailed, and Mr. O'Connell's response with continuing education, and the hearing notice sent and signed for. Mr. O'Connell confirmed that was correct. Mr. O'Connell was aware that he was able to have outside counsel of his choice. Mr. O'Connell testified he understood that the deficiency was related to an ethics course and was aware of the situation and stated it was an oversight on his part and takes full responsibility for the error. Mr. O'Connell confirmed he was short the 2 hours in ethics. Mr. O'Connell testified immediately after realizing the deficiency he did take a 4 hour ethics course but it was outside of the renewal period.

Mr. Szczuka made a motion, seconded by Mr. McBride to go off the record for deliberations at 9:46 a.m. The motion was unanimously approved. The Board went back on the record at 9:48 a.m. with a motion by Ms. Chvostal, seconded by Mr. McBride. The motion was unanimously approved.

FINAL ORDER: Mr. McBride made a motion, seconded by Ms. Chvostal that Mr. O'Connell is in Violation of Section 10.2 in the Rules and Regulations. Mr. McBride read into record section 10.2 of the Rules and Regulations. The motion was unanimously carried. Mr. Szymanski made a motion, seconded by Ms. Chvostal to impose the minimum penalty of \$250 and issue a letter of reprimand. In addition Mr. O'Connell would be required to obtain 2 hours in ethics for the 2009 renewal and 2 hours for the 2011 renewal period. The motion was unanimously carried. Mr. Szymanski confirmed, of the 4 hours in ethics taken, 2 hours would be accepted towards the 2009 renewal and 2 hours for the 2011 renewal period.

TIME ADJOURNED: Mr. McBride made a motion, seconded by Ms. Chvostal to close the hearing at 9:53 a.m.

HEARING – Edwin Kuipers

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 9:15 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Edwin Kuipers (not present)

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 9:54 a.m.

The court reporter took verbatim testimony. Mr. Schranck informed the Board that Mr. Kuipers submitted a letter to resign his license in Delaware.

FINAL ORDER: The Board accepted Mr. Kuipers license surrender.

TIME ADJOURNED: 9:56 a.m.

HEARING – Uzoma Ahiarakwe

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 9:30 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Uzoma Ahiarakwe (not present)

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 9:56 a.m.

The court reporter took verbatim testimony. Ms. Holt stated the hearing was rescheduled for January 2010.

FINAL ORDER: No order

TIME ADJOURNED: 9:56 a.m.

HEARING – Douglas Loewer

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 9:45 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Douglas Loewer

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 9:57 a.m.

The court reporter took verbatim testimony. Mr. Loewer was sworn in. Mr. Schranck introduced an audit notice sent to Mr. Loewer, and an initial determination that he did not meet the requirements for the 2007-2009 renewal period which lead to a notice of the hearing being sent. Mr. Loewer received the notice and sent in a response that he would attend the hearing. Mr. Schranck stated the deficiency was due to Mr. Loewer's attempt to carry over continuing education. Mr. Loewer testified he took a course since that time to complete the requirement. Mr. Loewer stated he was unhappy about the notification received in April 2007; at that time he had already taken the course in question. Mr. Loewer testified that he didn't understand the notification received. Mr. Loewer stated he spoke with his attorney who advised him that on April 20, 2007 the board did notify him that the courses in question were cancelled. Mr. Szymanski questioned if he knew that he needed the credits for the 2009 renewal, at the time he renewed in 2007. Mr. Loewer did not understand that. Mr. Szymanski read the newsletter that Mr. Loewer was referring to. Mr. Loewer said he misread the information and didn't know the board would take continuing education away from him. Mr. Szymanski reread the notification and questioned what could not be understood about the newsletter. Mr. Loewer said he didn't understand it. Mr. Loewer testified that he carried multiple licenses with continuing education. He further testified that he misread the rules and regulations and has since taken 9 additional hours of continuing education. Mr. Loewer submitted a listing of the professional licenses that he currently holds, as well as a listing of the continuing education courses that he has taken; 168 hours of which some were for his Real Estate Appraiser license. Those items were entered as Applicant Exhibit #1. Mr. Loewer submitted a copy of the rules and regulations Section 10.4 which indicated that carry over credits were still available, and stated he received the information with his audit materials. Ms. Chvostal questioned if Mr. Loewer called the board for clarification if carry over credits were allowable. Mr. Loewer said it never occurred to him that would happen and confirmed he misread it (the rules and regulations), and stated he was at fault for misreading it (the rules and regulations). Mr. Loewer testified he did not think it was right that the board cancelled hours for courses that he paid for. Mr. Schranck went over the exhibits submitted. Mr. Schranck stated the courses taken in April 2007 were for the 2007 renewal period. Mr. Szymanski questioned if Mr. Loewer in April 2007 received the newsletter regarding PDHs and the removal of the carry over period. Mr. Loewer responded that yes, he did and he read it. Mr. Szymanski stated that in 2009 when Mr. Loewer renewed and attested that Mr. Loewer had the PDH's Mr. Loewer was aware of the rules. Mr. Schranck stated Mr. Loewer had 15 hours, of which 4 were in ethics for the 2007-2009 renewal period.

Mr. Szczuka made a motion, seconded by Ms. Chvostal to go off the record at 10:16 a.m. The motion was unanimously approved. Mr. Szczuka made a motion, seconded by Ms Chvostal to go back on the record at 10:16 a.m. to allow for further testimony by Mr. Loewer. The motion was unanimously approved.

Mr. Loewer requested to have a closing statement. Mr. Loewer proposed the board entertain a motion to allow carry over credits from 2007 and asked that the board approve his carry over credits and additionally the board entertain the 8 credits that he had obtained since the deficiency notice. Mr. Loewer further proposed that 10.4.2 which changed after the April 2009 audit letter was sent

should not apply to his licensure. Lastly, Mr. Loewer stated that he qualified as a resident of Maryland and testified the timelines were different from state to state.

Mr. Szczuka made a motion, seconded by Ms. Chvostal to go off the record at 10:19 a.m. The motion was unanimously approved. Mr. McBride made a motion, seconded by Ms. Chvostal to go back on the record at 10:36 a.m. The motion was unanimously approved.

FINAL ORDER: Mr. Szymanski made a motion, seconded by Mr. McBride that the Board find Mr. Loewer in violation of Rules and Regulations, Section 10.1 since he did not successfully complete the required PDHs. The motion was unanimously carried. Ms. Chvostal made a motion, seconded by Mr. Szczuka that Mr. Loewer was in violation of Rule 10.9 and that the Board issue a letter of reprimand and a fine of \$500, and suspend licensure until Mr. Loewer obtain the missing 9 PDHs and that Mr. Loewer be required to obtain the full 24 hours for the 2011 renewal. The motion was unanimously carried. Mr. Szymanski stated that at the time of the hearing, Mr. Loewer had made up 8 of the 9 PDHs. Mr. Loewer must submit the documentation to Ms. Heinsch, a Decision and Order would be signed and after that if the course is on the approved list Mr. Loewer's license would be removed from suspension. Mr. Schranck stated, if the course was not approved, the board must review and approve it. Mr. Szymanski stated that Mr. Loewer could not take online courses as they are not board approved, such as Red Vector.

TIME ADJOURNED: Ms. Chvostal made a motion, seconded by Mr. McBride to close the hearing at 10:41 a.m.

HEARING – Robert Heggan

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 10:00 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Robert Heggan

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 10:41 a.m.

The court reporter took verbatim testimony. Mr. Heggan was sworn in. Mr. Schranck reviewed the documentation: an audit notice sent to Mr. Heggan, Mr. Heggan's response of continuing education he used in New Jersey, and a notice of audit failure which was signed for. Mr. Heggan confirmed receipt of such notice. Mr. Heggan sent a notice that he would attend the hearing. Mr. Heggan confirmed that he had the right to obtain counsel and chose to appear unrepresented. Mr. Heggan apologized to the Board for wasting their time and stated professionalism was the hallmark of what he did. Mr. Heggan assumed the shortfall was in regards to electronic courses and/or carry over credits. Mr. Heggan testified he would not have renewed his license if he thought he didn't meet the requirements for renewal. Mr. Heggan presented evidence entered as Applicant Exhibit #1, consisting of continuing education history from 1994 to the present day. Mr. Heggan believed the Red Vector courses were worthwhile and testified that Red Vector did not advertise that they were approved by the Delaware Board. Mr. Heggan testified that he misunderstood and assumed that requirements approved in New Jersey would be acceptable in Delaware. Mr. Schranck questioned if Mr. Heggan understood that Delaware's standards must be adhered to for licensure. Mr. Heggan testified that he did understand. The Board questioned Mr. Heggan. Mr. Heggan testified that since June 30, 2009 he had not obtained additional PDHs. Mr. Heggan testified that in March 2007 his mail could have been interjected as he apparently did not receive the notice sent in April 2007 (advising of the rule change to eliminate carryover credits). Mr. Heggan testified that he did not regularly practice in Delaware and wouldn't have renewed if he didn't believe at the time that he met the requirements. Mr. Heggan asked for leniency and mercy of the Board.

Ms. Chvostal made a motion, seconded by Mr. McBride to go off the record for deliberation at 11:02 a.m. The motion was unanimously approved.

Mr. Szczuka made a motion, seconded by Mr. McBride to go back on the record at 11:12 a.m. The motion was unanimously approved.

FINAL ORDER: Mr. Szymanski made a motion, seconded by Mr. McDonough that the Board find that Mr. Heggan violated Rule 10.1 and 10.2 of the Rules and Regulations as he did not meet the 24 hours of required continuing education or the required 2 hour ethics course. The motion was unanimously carried. Mr. Szczuka made a motion, seconded by Mr. McBride that Mr. Heggan was in violation of the above Regulations and was to be assessed a suspension of licensure until all 2007-2009 credit hours were made up, be issued the minimum penalty of \$250 for each violation, for a total of \$500, and have a letter of reprimand placed in his permanent licensure file. Mr. Heggan would be required to obtain additional continuing education for the 2011 renewal period. Ms. Chvostal opposed. The motion carried. Ms. Chvostal made a motion, seconded by Mr. Szczuka that the 24 hours for the 2009 renewal period would not count towards the 2011 renewal period if Mr. Heggan chose to renew his license. The motion was unanimously carried.

TIME ADJOURNED: Mr. Szczuka made a motion, seconded by Ms. Chvostal to close the hearing at 11:16 a.m. The motion was unanimously approved.

Mr. McDonough advised the audience that Ms. Chvostal was more than a public member; she was a professional nurse that holds licensure in Delaware.

HEARING – Robert Worthington

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 10:15 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Robert Worthington

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 11:18 a.m.

The court reporter took verbatim testimony. Mr. Schranck reviewed the purpose of the hearing and documents associated with the hearing. Mr. Worthington confirmed he was aware of his right to representation and was present without representation. Mr. Worthington testified that he did not have any additional continuing education credits. Mr. Worthington testified he planned to participate in the Pennsylvania Society conference in January. Mr. Worthington requested clarification of 10.3.5, which stated approval of society meetings. Mr. Worthington testified the minutes received from the society meetings did not reflect actual training during the meetings that he attended. Mr. Worthington testified that the credit hours requested were only for the program, and not the dinner hours. Mr. Szymanski questioned if Mr. Worthington had anything from the Pennsylvania Society of Land Surveyors that the meetings included actual training. Mr. Worthington responded that the minutes reflected the topic of the evening. Mr. Szymanski further questioned Mr. Worthington regarding obtaining confirmation from the Society to substantiate the claim of 2 hours of professional development. Mr. Worthington testified he had thought the minutes would be satisfactory. Mr. Worthington added that in the prior renewal period he used these courses and they were approved.

Mr. Szczuka made a motion, seconded by Ms. Chvostal, to go off the record for deliberations at 11:26 a.m. The motion was unanimously approved. Mr. McBride made a motion, seconded by Ms. Chvostal, to go back on the record at 11:36 a.m. The motion was unanimously carried.

FINAL ORDER: Mr. Szczuka made a motion, seconded by Ms. Chvostal to table the hearing as there was insufficient evidence available regarding justification of the society meetings. The Board requested Mr. Worthington provide information from the Pennsylvania Society of Land Surveyors with an outline of the presenters and the presentation itself at his pleasure. The motion was unanimously approved. Mr. Schranck questioned if Mr. Worthington was able to obtain the information prior to the January meeting. Mr. Worthington responded that he would attempt to, and if not would be at the

February meeting. Mr. Worthington further requested that the credits from the January 2010 conference count towards the 2009 renewal period. Mr. Schranck responded that the Board could find that the credits could count as a make up for the 2009 renewal if in fact Mr. Worthington could not obtain the requested information and the credits could not be counted for the 2011 renewal. Mr. Schranck advised that decision would have to be made at another hearing date/time with a court reporter etc.

Mr. Szczuka made a motion, seconded by Mr. McBride to go off the record at 11:40 a.m. The motion was unanimously carried. Ms. Chvostal made a motion, seconded by Mr. McBride to go back on the record at 11:41 a.m. The motion was unanimously carried.

Mr. Szczuka made a motion, seconded by Ms. Chvostal that Mr. Worthington's hearing would be reconvened at the February 2010 meeting. The motion was unanimously carried.

TIME ADJOURNED: 11:42 a.m.

Ms. Chvostal left the meeting at 11:45 a.m.

Mr. Szczuka requested a new copy of Title 24 related to Land Surveyors to be put in his file.

HEARING – Bruce Flora

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 10:30 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Bruce Flora

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 11:50 a.m.

The court reporter took verbatim testimony. Mr. Flora was sworn in. Mr. Schranck welcomed Mr. Flora. Mr. Schranck reviewed the audit materials, letter sent indicating deficiency, and hearing notice. Mr. Flora confirmed he was aware of his right to representation and was present without representation. Mr. Schranck reviewed the documents received. Mr. Flora entered Applicant Exhibit #1 which consisted of details of the Rendezvous' course taken. Mr. Flora testified that he was licensed in multiple states. The Board requested additional information regarding a course that Mr. Flora took that potentially contained ethics. Mr. Flora testified he took an ethics course on December 4, 2009. Mr. Flora testified that he attended a 3 hour ethics course as part of the Rendezvous at the Washington home and sites. Mr. Szymanski questioned Mr. Flora regarding the ethics course taken at the Rendezvous conference, and stated the cover sheet allowed for 1 PDH for the course. Mr. Flora testified he also attended a law course in October, 2008. Mr. McDonough questioned Mr. Flora.

FINAL ORDER: Mr. Szymanski made a motion, seconded by Mr. McBride to table the hearing to allow time for Mr. Flora to address Mr. Demby and Mr. Sears to confirm the courses taken included ethics and obtain a detailed agenda to prove the number of hours that could be recognized. The motion was unanimously carried. Mr. Szymanski made a motion, seconded by Mr. Szczuka that the hearing be continued until the February 2010 meeting to obtain this information. The motion was unanimously carried.

TIME ADJOURNED: 12:14 p.m.

HEARING – Franklin Jones

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 10:45 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Franklin Jones

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 12:14 p.m.

The court reporter took verbatim testimony. Mr. Jones was sworn in. Mr. Schranck welcomed Mr. Jones. Mr. Schranck reviewed the documents containing the audit notice, materials submitted by Mr. Jones, a deficiency notice of the hearing, and a signed response. Mr. Jones confirmed he was aware of his right to representation and was present without representation. Mr. Jones testified that in June 2009, he attended an ethics course at Chesapeake Community College. Mr. Szymanski questioned Mr. Jones regarding the certificate. Mr. Jones testified that the course was for 4 hours in ethics. Mr. Jones testified he had attended additional courses since that time. After review of the documentation it was verified that Mr. Jones provided adequate supporting documentation to meet the requirements of renewal.

FINAL ORDER: Mr. Szymanski made a motion, seconded by Mr. McBride that Mr. Jones was in compliance with regulation 10.0 of the rules and regulations. The motion was unanimously carried.

TIME ADJOURNED: 12:23 p.m.

HEARING – Timothy Martin

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 11:00 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Timothy Martin

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 12:24 p.m.

The court reporter took verbatim testimony. Mr. Martin was present with representation. Mr. Martin was sworn in. Mr. Schranck reviewed the purpose of the hearing and the documents pertaining to the audit. Ms. Rashaw Dunnenpath was present as Mr. Martin's legal counsel. Ms. Dunnenpath gave opening remarks and stated Mr. Martin had completed 2 PDHs in ethics at the time of the hearing. The Board questioned Mr. Martin. Mr. Martin testified that the Minimum Standards course was regarding Maryland's minimum standards. Mr. Szymanski asked if the course was state specific, how the course related to the practice in Delaware. Ms. Dunnenpath stated the course complied with Section 10.3.3. Mr. Szymanski stated the certificate was "Maryland Standards". Mr. Martin testified that he called the board office multiple times to confirm the issue for the hearing so he could be prepared to discuss the issue. Mr. Martin reiterated that the Board stated that the Maryland minimum standards of practice cross over with the Delaware standards. Mr. Szymanski made a motion, seconded by Mr. Szczuka to go off the record to deliberate at 12:40 p.m. Mr. Szymanski made a motion, seconded by Mr. McBride to go back on the record.

FINAL ORDER: Mr. Szymanski made a motion to find Mr. Martin in compliance with Section 10.0, seconded by Mr. McBride. The motion carried with a majority vote, with Mr. Szczuka opposed.

TIME ADJOURNED: Mr. McBride made a motion, seconded by Mr. Szczuka to close the hearing at 12:47 p.m.

HEARING – Andrew Putnam

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 11:15 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Andrew Putnam

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 12:47 p.m.

The court reporter took verbatim testimony. Mr. Putnam was sworn in. Mr. Schranck reviewed the purpose of the hearing and the documents pertaining to the renewal audit. Mr. Putnam testified that he was aware that he could have legal counsel and was not represented. Mr. Putnam testified that when he returned the initial evidence that he was indicating that he did not reside in Delaware and therefore meet the requirements in New Jersey where there is no requirement for ethics. Mr. Putnam testified the evidence he sent showed that when he renewed his license in New Jersey in 2008 that he did have an ethics course. Mr. Schranck reviewed Section 10.1.3 which stated that if a state has comparable requirements that they would satisfy Delaware's requirements at a minimum. Mr. Schranck stated the remaining issue was the fact that Delaware had a separate ethics requirement and Mr. Putnam had to provide proof that the courses taken meet the requirements in Delaware. Mr. Putnam testified that he was under the assumption that the courses he took were acceptable in Delaware. Mr. Putnam further testified that he takes continuing education very seriously and he did take an ethics course in 2009. Mr. Putnam provided an email showing that he was attempting to obtain a certificate for the course. Mr. Schranck confirmed the course in question was an online course that was not interactive. Mr. Schranck explained the requirement that online courses must be interactive with an instructor. Mr. Putnam testified that he didn't have any additional course in ethics. Mr. Schranck advised that he did have the 24 PDHs required, but was missing 2 PDHs in ethics. Mr. Putnam requested time to take the required ethics course. Mr. Putnam testified he took an online course through Red Vector, which he was now aware was not approved.

Mr. McBride made a motion, seconded by Mr. McDonough to go off the record at 12:58 p.m. The motion was unanimously carried. Mr. McDonough made a motion, seconded by Mr. McBride to go on the record at 12:59 p.m. The motion was unanimously carried.

FINAL ORDER: Mr. Szymanski made a motion, seconded by Mr. McDonough that Mr. Putnam was in violation of Section 10.2 of the rules and regulations whereas he did not complete the 2 PDHs in ethics. The motion was unanimously carried. Mr. Szymanski made a motion, seconded by Mr. Szczuka, to administer the minimum penalty of a letter of reprimand, and issue a fine of \$250.00 as outlined in regulation 10.9 and Mr. Putnam must obtain 2 PDHs in ethics prior to 6 months from the date of the order and additionally 2 PDHs of ethics for the 2011 renewal. The motion was unanimously carried. The documents should be sent to Ms. Heinsch.

TIME ADJOURNED: The hearing was adjourned at 1:03 p.m. with a motion by Mr. McBride seconded by Mr. Szczuka.

HEARING – James O'Connor

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 11:30 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: James O'Connor

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 1:03 p.m.

The court reporter took verbatim testimony.

Mr. O'Connor was sworn in. Mr. Schranck reviewed the purpose of the hearing and document received from Mr. O'Connor. Mr. O'Connor confirmed he had the right to representation and was present without representation. Mr. Schranck stated the initial review of the audit documents found that Mr. O'Connor was short on approved hours. Mr. O'Connor's continuing education certificates were reviewed for compliance with the Rules and Regulations. Mr. Schranck advised that there was sufficient evidence that Mr. O'Connor meet the requirements for licensure renewal.

Mr. McBride made a motion, seconded by Mr. McDonough to go off the record at 1:12 p.m. The motion was unanimously carried. Mr. McBride made a motion, seconded by Mr. Szczuka to go back on the record at 1:15 pm. The motion was unanimously carried.

FINAL ORDER: Mr. Szymanski made a motion, seconded by Mr. Szczuka that Mr. O'Connor met the criteria for license renewal related to the requirements for PDHs in Regulation 10.0 and on behalf of the Board that Mr. O'Connor be apologized to for the error in having him attend the hearing. The motion was unanimously carried.

TIME ADJOURNED: Mr. Szymanski made a motion, seconded by Mr. McBride to close the hearing at 1:17 p.m. The motion was unanimously approved.

HEARING – Michael Fisher

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 11:45 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Renee' Holt, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Michael Fisher

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 1:17 p.m.

The court reporter took verbatim testimony. Ms. Holt stated the Board office received notification Mr. Fisher was deceased as of October 2009.

FINAL ORDER: No order

TIME ADJOURNED: 1:17 p.m.

HEARING – Edward Kelly

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 17, 2009 at 12:00 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

RECUSED: None

EXCUSED: Stephen Sellers, James Bielicki

PURPOSE: Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

PRESIDING: Michael Szymanski, PLS, Vice Chairman

BOARD STAFF: Debbie Heinsch, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, D.A.G.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Edward Kelly

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Lorena J. Hartnett, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

TIME STARTED: 1:17 p.m.

The court reporter took verbatim testimony. Mr. Kelly was sworn in. Mr. Schranck reviewed the purpose of the hearing and the documents pertaining to the audit and hearing. Mr. Kelly was aware that he had the right to representation and was present without representation. Mr. Kelly testified he had obtained additional continuing education since June 30, 2009. The certificate was entered as Applicant Exhibit #1. The course was taken December 4, 2009 and worth 8 PDHs. Mr. Kelly requested 3.5 of those 8 hours to count towards the 2007-2009 renewal and the remainder for the 2011 renewal period.

Mr. McBride made a motion, seconded by Mr. Szczuka to go off the record at 1:26 p.m. The motion was unanimously carried. Mr. Szczuka made a motion, seconded by Mr. McDonough to go back on the record at 1:31 p.m. The motion was unanimously carried.

The Board requested clarification on a course. Mr. Kelly testified, and Mr. Szymanski verified that the course was for 1 PDH.

Mr. Szczuka made a motion, seconded by Mr. McDonough to go off the record at 1:33 p.m. The motion was unanimously carried. Mr. Szczuka made a motion, seconded by Mr. McDonough to go on the record at 1:35 pm. The motion was unanimously carried.

FINAL ORDER: Mr. Szymanski made a motion, seconded by Mr. Szczuka, that Mr. Kelly was in violation of Section 10.1 of the Rules and Regulations. Mr. Kelly had 20.5 of the 24 PDHs of approved continuing education prior to the renewal deadline of June 30, 2009. The motion was unanimously carried. Mr. Szymanski made a motion, seconded by Mr. McBride to issue a letter of reprimand, and impose a fine of \$250.00. Mr. Kelly took an additional 8 PDHs in December 2009 and 3.5 of those hours could be used towards the 2009 renewal period with the remainder of 4.5 to be used for the 2011 renewal period. The motion was unanimously carried.

TIME ADJOURNED: Mr. McDonough made a motion, seconded by Mr. Szczuka to adjourn the hearing at 1:37 p.m.

Mr. Szczuka reported that he is embarrassed that Mr. O'Connor had to attend a hearing today. Mr. Szymanski was in agreement. Mr. Szczuka questioned how the continuing education was reviewed by 2 members and it still occurred.

The Board recessed the meeting at 1:45 p.m. The meeting resumed at 2:31 p.m.

The Rule to Show Cause Hearings ended at 1:37 p.m. The regular board meeting began at 2:31 p.m.

REVIEW OF MINUTES

The Board reviewed the meeting minutes of October 15, 2009. It was noted that at the January meeting Mr. Szczuka may want to reopen the September meeting minutes. Mr. Schranck confirmed that he could do so. Mr. Szczuka continued to argue about the minutes whereas they review the letters of concern. Mr. Schranck responded that the purpose of the review of the meeting minutes was for accuracy and not to argue the policies in place. Mr. Szczuka insisted that he was present for the item Consent Agreement and did not leave at 11:55 a.m. Mr. Szczuka insisted the meeting minutes be amended on page 5 to reflect Mr. Szczuka left the meeting at 12:15 p.m. and under Consent Agreement add that Mr. Szczuka voted in favor. Mr. McBride made a motion to approve the

minutes as amended on page 5, seconded by Mr. McDonough. The motion was unanimously approved.

The Board reviewed the meeting minutes of November 19, 2009. Mr. McDonough made a motion, seconded by Mr. Szczuka to table the review until the January meeting.

UNFINISHED BUSINESS

Review of draft Survey Intern application

Mr. Szymanski requested that Ms. Heinsch request the Division review the revisions and make the necessary changes and review for approval.

Update on Audit of Regulatory Agencies

Mr. Schranck reported that he discussed the issue with Ms. Reardon and this was regarding Counties and Municipalities and their standards. Mr. Schranck reported a suggestion had been made that the board should periodically go out and see if the land use agencies were following their own standards. Mr. Schranck and Ms. Reardon concurred that monitoring of land use agencies was not a matter for this board to deal with. Mr. Schranck clarified the purpose of the board was to deal with land surveyors and not counties or municipalities. Mr. Schranck advised, for example a county was letting something go through without standards compliance, the board or the trade association could send them a letter. Mr. Schranck stated in the event that a surveyor was before the board and they were not meeting the board's standards and the land use standards neither he nor Ms. Reardon believed that the board could do an audit of any agencies activities with respect to the profession. Mr. Szczuka responded that in New Castle County if you point an issue out to them they would tell you the issue was a civil matter; Mr. Szczuka stated he had this in writing. Mr. Szymanski reiterated this is a mute issue and it did not need to be brought up again.

Review of Rules and Regulations comments

Mr. Szymanski questioned if the Board members had time to review the information from the November meeting and if they had any comments. Mr. Szczuka commented that in summary there was a lot of disinformation there and he wasn't aware that the Board even approved the rules. Mr. Szczuka had great concern with the letters received, and thought the public was getting a choice. Mr. Szczuka stated the statements in those letters were not true. Mr. Szymanski stated he had concerns as well. Mr. Bielicki's letter stated that it was a matter of money and that statement was irrelevant, no one had made that statement. The letters were putting the Board down, and being condescending. Mr. Szymanski stated the letters appeared to be scare letters and did not pertain to the changes that the board had proposed. The Board called Mr. Bielicki forward to explain his comments in the correspondence. Mr. Bielicki explained that on his waiver forms they are not supposed to let the customer know the cost so he interpreted that it is a matter of money and doesn't apply. Mr. Szymanski requested that he amend his letter as that was his interpretation. Mr. Bielicki expressed his belief that the requirement would cost the consumer more money. Mr. Szymanski stated Mr. Bielicki, as a business owner, had the option not to charge the customer more. After further discussion, Mr. Bielicki's statement was summarized that he was opposed to the rule change as he felt it would cost the public additional money. There were no further comments.

The Board recognized Mr. Donald Elrod. Mr. Elrod gave comments regarding the proposed changes. Mr. Elrod expressed concern that the public interest was not best served by the changes, especially in New Castle County. The Board expressed Mr. Elrod did not give the public the opportunity to formulate their own opinion, but provided his opinion to them in a form letter and all the public needed to do was sign the letter without knowing the proposed changes. The Board further discussed the letter provided to the public by Mr. Elrod. After further discussion, Mr. Elrod's position was summarized as he did not feel it was proper to not inform the public of the possible cost increase by choosing to have two corners set. Mr. Elrod verified the Board was not opposed to having prices listed in a cover letter, and that the Board's concern was price gouging. Mr. Elrod expressed his belief in allowing the public to have the choice and not make having two corners set a mandatory

requirement. Mr. Elrod disagreed with calling the form a "waiver". Mr. Elrod also submitted for the Board's consideration, a sample letter. The Board thanked Mr. Elrod for his comments.

Mr. Szymanski suggested the Board review the comments and the proposed changes and be prepared to come to the January meeting for further discussion and revision. Mr. Szymanski stated the Board could determine if it was necessary to have another public hearing or to move forward with the review.

Mr. Schranck advised the Board the public comment period had passed and if the Board chose to consider additional comments after the period had closed, it was their option. Mr. Schranck stated the Board would be required to have another public hearing if the changes were substantive.

NEW BUSINESS

Courses for Continuing Education Approval

The Board reviewed the application for approval of the Maryland Society of Surveyors – 2009 Fall Conference. The application was requesting 4 PDHs for afternoon sessions (Note: the conference was previously reviewed on October 15, 2009 and approved for 3.5 PDHs). Mr. McDonough made a motion, seconded by Mr. McBride to table the review of the application until the January meeting. The motion was unanimously approved.

The Board reviewed the application for approval of the Pennsylvania Society of Land Surveyors. Mr. McBride reviewed the document. Mr. McBride stated one of the 39 courses was questionable and made a motion, seconded by Mr. McBride to approve all courses but the one in question. The motion was unanimously approved.

Review of Application for Licensure by Reciprocity

The Board reviewed the application of Joseph Sturtz III. Mr. McBride clarified the application review was tabled at the last meeting pending receipt of scores which had subsequently been supplied. Mr. McBride made a motion, seconded by Mr. Szczuka to allow Mr. Sturtz to take the State Drainage and Jurisprudence examination. The motion was unanimously carried.

Review of Application for Licensure by Examination

There were no applications for licensure by examination.

Review of Land Surveying Certificate of Authorization Application

Mr. Szymanski reviewed the application of Frederick Ward Associates, Inc. Mr. Szymanski stated the application was not complete because one question wasn't answered. Mr. Szymanski made a motion, seconded by Mr. McDonough to send the application by to the Division as it was incomplete. The motion was unanimously approved.

Mr. Szymanski reviewed the application for Pennoni Associates, Inc. Mr. Szymanski made a motion, seconded by Mr. McBride to approve the application. The motion was unanimously approved.

Mr. Szymanski reviewed the application for Northpoint Engineering Services, LLC. Mr. Szymanski made a motion, seconded by Mr. McBride to approve the application. The motion was unanimously approved.

The Board stated the application for Karins Associates needed to be reviewed on the next agenda.

Complaint Assignments – None

Hearings/Consent Agreements

Mr. Schranck advised the board that he would prepare any decision and orders for the board's signatures and the Decision and Orders would be reviewed at the next meeting. Mr. Schranck

confirmed Mr. Bielicki's Order had been prepared, and informed the Board there was a typographical error on one page. Mr. Schranck stated the members present could sign the Order and Mr. Sellers and Ms. Chvostal could sign at a later date. Mr. Schranck stated Mr. Bielicki would be recused from further hearings regarding the 2007-2009 audits. Mr. Schranck stated he had a Decision and Order for Michael Ray that the Board needed to review and a Decision and Order for James Luff for the Board to sign. Mr. Schranck informed the Board he would review both the hearing notes and audit files to complete the remainder of the outstanding Decision and Order documents. Mr. Schranck stated the documents should be ready for the Board to review at the January Board meeting. The Board signed the Orders for Mr. Luff and Mr. Bielicki. Mr. Schranck stated no Orders needed to be prepared for the hearings for the licensees that were found to be in compliance.

Correspondence

There was no additional correspondence.

Certificates

There were no certificates to be signed.

Other Business before the Board (for discussion only)

There was no other business before the board.

Public Comment

There was no public comment.

Next Scheduled Meeting

The next meeting will be held on January 21, 2010 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

There being no further business, Mr. McDonough made a motion, seconded by Mr. Szczuka to adjourn the meeting at 4:18 p.m. The motion was unanimously carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Renee M. Holt". The signature is written in a cursive, flowing style.

Administrative Specialist II
Delaware Board of Professional Land Surveyors